

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

SEPTEMBER 27, 1999

IN RE:)	
)	
PETITION OF ICG TELECOM GROUP, INC.,)	DOCKET NO. 99-00291
FOR APPROVAL OF AN INTRALATA TOLL)	
DIALING PARITY PLAN)	

**ORDER APPROVING INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on June 8, 1999, at a regularly scheduled Authority Conference, to consider the Petition of ICG Telecom Group, Inc. ("ICG") for approval of its IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 97 U.S.C. §§151 *et seq.*

FILE

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

ICG is a telecommunications company operating under Tenn. Code Ann. § 65-4-201 as a competing local exchange carrier that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, ICG is required to file a plan with the Authority that provides

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

for intraLATA toll dialing parity throughout Tennessee.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

ICG filed its IntraLATA Toll Dialing Parity Implementation Plan on April 22, 1999. The Plan was amended on June 1, 1999. The Plan, as amended, containing ICG's Petition for Approval, is attached hereto as Exhibit A and is fully incorporated herein by this reference.

The Directors considered ICG's Plan at the June 8, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and a PIC change charge waiver period. The Directors unanimously voted to approve ICG's Toll Dialing Parity Plan as amended, with the requirement that ICG comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

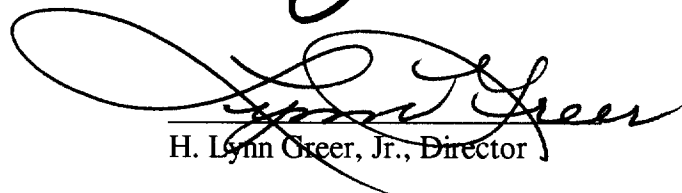
⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of ICG Telecom, Inc. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;
2. ICG Telecom, Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and
3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary

**BOULT
CUMMINGS
CONNERS
& BERRY** PLC

LAW OFFICES
414 UNION STREET, SUITE 1600
POST OFFICE BOX 198062
NASHVILLE, TENNESSEE 37219

Henry Walker
(615) 252-2363
Fax: (615) 252-6363
Email: hwalker@bccb.com

RECEIVED

JUN 07 1999

**TN REGULATORY AUTHORITY
TELECOMMUNICATIONS DIVISION**

TELEPHONE (615) 244-2582
FACSIMILE (615) 252-2380
INTERNET WEB <http://www.bccb.com/>

June 1, 1999

Via Facsimile 741-2336

Carsie Mundi
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243


Re: ICG-IntraLATA Dialing Parity Plan

Dear Carsie:

ICG Telecom Group, Inc. ("ICG") has informed me that the company has implemented intraLATA dialing parity throughout the ICG system, effective today. The company is now in the process of notifying customers that they now have a two-PIC option. The notice is the same as previously filed with the TRA.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 
Henry Walker

HW/nl
c: Amy Hartsler

BOULT
CUMMINGS
CONNERS
& BERRY PLC

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REGULATORY AUTH.

'99 APR 22 PM 4 17

TELEPHONE (615) 244-2582
FACSIMILE (615) 252-2380
OFFICE OF THE EXECUTIVE SECRETARY
INTERNET Web <http://www.bccb.com/>

April 22, 1999

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: Dialing Parity Plan for ICG

99-00291


Dear David:

Enclosed is an intraLATA dialing parity plan for ICG Telecom Group, Inc.

If you have any questions, please feel free to call me.

Sincerely,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 
Henry Walker

HW/lw
Enclosure

**Application of ICG Telecom Group, Inc.
for Approval of IntraLATA Equal Access Implementation Plan
Pursuant to FCC Order 99-54**

IntraLATA Equal Access Implementation Plan

April 22, 1999

ICG Telecom Group, Inc.
IntraLATA Equal Access Implementation Plan

I. OBJECTIVE/PURPOSE

In compliance with Federal Communications Commission Order 99-54, ICG Telecom Group, Inc. ("ICG" or "the Company") files the Company's plan for implementing intraLATA Equal Access ("the Plan") in the areas of the state of Tennessee in which the company is certified to provide local exchange service.

The intent of the Plan is to permit customers to route intraLATA toll calls automatically, without the use of access codes, to any interexchange carrier ("IXC") of the customer's choice.

II. IMPLEMENTATION SCHEDULE

ICG will offer dialing parity for intraLATA toll calls 30 days after Tennessee Regulatory Authority approval of this implementation plan. At that time, ICG's retail customers may choose any participating IXC.

III. CARRIER SELECTION PROCEDURES

ICG will implement full 2-PIC carrier selection methodology. With the full 2-PIC methodology, customers will be able to pre-subscribe to one telecommunications carrier for interLATA toll calls and to pre-subscribe to the same or a different participating telecommunications carrier for intraLATA toll calls.

Processes will be established to provide new customers with an opportunity to choose their intraLATA toll carrier. Company employees who communicate with the public, accept orders and serve in customer service capacities will be trained to explain to customers the availability of

2-PIC equal access, and to assist customers in making an initial PIC choice or in changing a PIC choice for intraLATA and interLATA toll calls.

IV. CARRIER NOTIFICATION

Current interexchange carriers will be notified of intraLATA equal access implementation by letter in advance of the proposed implementation date. Carriers will be asked to provide a list of exchanges in which they plan to offer intraLATA toll service. The advance notification is necessary to include the carrier on the list of participating intraLATA toll carriers in each ICG serving area. IntraLATA toll carriers who enter the market after implementation will be added to the list of participating intraLATA toll carriers within 30 days of notifying ICG.

V. NEW CUSTOMERS

A customer who contacts ICG requesting new telephone exchange service will be informed of the opportunity to choose both an intraLATA and interLATA PIC. If requested by the customer, ICG will provide a list of participating telecommunications carriers. A new customer who does not make a positive choice for an intraLATA toll carrier will be identified within ICG's system as "no-PIC" and will not be automatically defaulted to a carrier. A new customer identified as "no-PIC" within ICG's system will be required to dial the access code of a different carrier to place intraLATA toll calls until the customer makes an affirmative choice for an intraLATA toll carrier.

VI. EXISTING CUSTOMERS

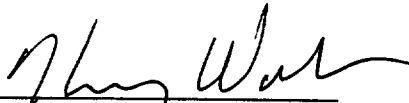
On the date in which intraLATA toll pre-subscription is available, ICG's customers will be notified that they may pre-subscribe to ICG or any participating telecommunications carrier

offering interexchange service. An existing customer who does not make a choice for an intraLATA PIC when intraLATA equal access becomes available will default to ICG for intraLATA 1+ and 0+ toll calls. Attached is a sample notification letter to an existing customer.

VII. INITIAL PIC REQUEST

A customer's initial PIC request, made prior to, or within six (6) months after, implementation of intraLATA equal access, will be made at no charge. After the initial six month period, ICG will bill a customer a PIC change charge at a rate no greater than the rate for the selection of an interLATA PIC.

Respectfully submitted,



Henry Walker
Counsel for ICG Telecom Group, Inc.
Boult, Cummings, Conners & Berry
414 Union Street, Suite 1600
Nashville, Tennessee 73034

Date

John Q. Sample
Sample Company
123 Main Street
Anytown, USA 12345

Dear Customer:

The purpose of this letter is to inform you that you may now select a company different than your local service provider to carry the 1+ long distance calls made within your calling area or LATA (a LATA is a local transport area indicated by your area code).

Beginning (implementation date), you may choose the company you wish to carry these long distance intra-LATA calls. In the coming months, companies that plan to offer this service within your calling area may begin contacting you through telemarketing, advertising or direct mail campaigns. The information they provide may help you make your choice since each company's rates, plans and policies differ.

If you elect to choose one of these providers, call the business office of the company you have selected. If you choose not to elect a specific provider, ICG Telecom Group will provide your 1+ long distance service within your LATA. All changes in providers will become effective (implementation date).

Changes you may choose to make for this specific long distance service will not impact the current local service provider you have chosen nor the long distance company you utilize for long distance calls outside the State or between calling areas. In addition, changes will have no effect on the size or the geographic areas covered by your current LATA.

If you have any questions, please contact your ICG Telecom Group sales representative or call our National Customer CARE Center at 1-888-424-4440.

Sincerely,

Jerrold Dillahunt
Director, Customer Care West

ICG Telecom Group, Inc.
161 Inverness Drive West
Englewood, CO 80112

Tennessee Tariff No. 1
1st Revised Page 55.2
Cancels Original Page 55.2

4.0 SERVICE AREAS

4.1 Exchange Service Areas

Exchange Services are provided (pursuant to Section 5.1) in limited geographic areas. Exchange Services bearing the following NPA-NXX designations are provided at the following locations and in the following areas:

Exchange Service Area Knoxville

Exchange Areas in Local Service Area

Knoxville, Bean Station, Bent Creek, Chestnut Hill, Claxton, Clinton, Concord, Dandridge, Gatlinburg, Greenback, Halls Cross Roads, Harriman, Jefferson City, Kingston, Lake City, Lenoir City, Loudon, Maryville, Mascot-Strawberry Plains, Maynardville, Norris, Oak Ridge, Oliver Springs, Powell, Rockwood, Rutledge, Sevierville, Sharps Chapel, Solway, Tate Springs, Washburn, West Sweetwater, White Pine. (N)

Maryville

Maryville, Concord, Greenback, Halls Cross Roads, Knoxville, Mascot-Strawberry Plains, Powell, Solway. (N)

Manchester

Manchester, Beech Grove, Hillaboro, Pelham, Tullahoma (N)

Powell

Powell

Issued: December 30, 1998

Effective: February 1, 1999

Issued by: J. Carl Jackson, Jr.
Senior Director, Government Affairs
50 Glenlake Parkway, Suite 500
Atlanta, Georgia 30328

ICG Telecom Group, Inc.
161 Inverness Drive West
Englewood, CO 80112

2nd Revised Page 55.1
Cancels 1st Revised Page 55.1

4.0 SERVICE AREAS

4.1 Exchange Service Areas

Exchange Services are provided (pursuant to Section 5.1) in limited geographic areas. Exchange Services bearing the following NPA-NXX designations are provided at the following locations and in the following areas:

Exchange Service Area Lebanon

Exchange Areas in Local Service Area

Goodlettsville, Lavergne, Lebanon, Mt. Juliet, Nashville, Nolensville, Norene, Old Hickory, Watertown.

Murfreesboro

Eagleville, Goodlettsville, Milton, Murfreesboro, Nashville, Old Hickory, Smyrna, Foster ville, Lavergne, Nolensville, Woodbury, Woodland. (T)

Nashville

Adams-Cedar Hill, Alexandria, Ashland City, Auburntown, Charlotte, College Grove, Cross Plains-Orlinda, Dickson, Eagleville, East Sango, Fairview, Foster ville, Franklin, Gallatin, Goodlettsville, Greenbriar, Hendersonville, Kingston Springs, Lavergne, Lebanon, Liberty, Milton, Mt. Juliet, Murfreesboro, Nashville, Nolensville, Norene, North Spring Hill, Old Hickory, Pleasant View, Portland, Smyrna, South Cunningham, South Fredonia, Spencer Mill, Springfield, Triune, Vanleer, Watertown, West Vanleer, White Bluff, White House, Woodbury.

Shelbyville

Beech Grove, Flat Creek, Foster ville, Normandy, Shelbyville, Unionville, Wartrace.

Smyrna

Eagleville, Goodlettsville, Nashville, Old Hickory, Foster ville, Lavergne, Murfreesboro, Nolensville, Smyrna.

Lexington

Lexington, Parsons, Sardis, Scots Hill. (T)

Huntington

Atwood, Bruceton, Cedar Grove, Huntington, McKenzie, Trezevant. (T)

Jackson

Jackson

Spring City

Spring City, Apison, Collegedale, Dayton, Georgetown, Ooltewah, Soddy-Daisy (N)

Memphis

Memphis, Arlington, Collierville, Millington, Rosemark, Shelby Forest, West Whiteville, Marion, Arkansas and West Memphis, Arkansas, Covington, Drummonds, La Grange, Mason, Munford, Somerville, Moscow (N)

Issued: September 22, 1998

Effective: October 22, 1998

Issued by: Carl Jackson, Jr.
Senior Director, Government Affairs
161 Inverness Drive West
Englewood, Colorado 80112

TN9807a

ICG Telecom Group, Inc.
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Tennessee Tariff No. 1
2nd Revised Page 55
Cancels 1st Revised Page 55

4.0 - SERVICE AREAS

4.1 Exchange Service Areas

Exchange Services are provided (pursuant to Section 5.1) in limited geographic areas. Exchange Services bearing the following NPA-NXX designations are provided at the following locations and in the following areas:

Exchange Service Area
Clarksville

Exchange Areas in Local Service Area

Clarksville, Cunnigham, East Sango, Fredonia, Palmyra, Sango, South Cunnigham, South Fredonia, South Oak Grove.

Dickson

Charlotte, Dickson, Goodlettsville, Kingston Springs, Lavergne, Lyles, Nashville, Nolensville, Old Hickory, Spencer Mill, Vanleer, West Vanleer, White Bluff.

Franklin

College Grove, Fairview, Franklin, Goodlettsville, Lavergne, Nashville, Nolensville, Old Hickory, Triune.

Gallatin

Bethpage, Gallatin, Goodlettsville, Hendersonville, Lavergne, Nashville, Nolensville, Old Hickory, Portland, Westmoreland, White House.

Goodlettsville

Adams-Cedar Hill, Alexandria, Ashland City, Auburntown, Charlotte, College Grove, Cross Plains-Orlinda, Dickson, Eagleville, East Sango, Fairview, Posterville, Franklin, Gallatin, Goodlettsville, Greenbriar, Hendersonville, Kingston Springs, Lavergne, Lebanon, Liberty, Milton, Mt. Juliet, Murfreesboro, Nashville, Nolensville, Norene, North Spring Hill, Old Hickory, Pleasant View, Portland, Smyrna, South Cunnigham, South Fredonia, Spencer Mill, Springfield, Triune, Vanleer, Watertown, West Vanleer, White Bluff, White House, Woodbury.

Hendersonville

Gallatin, Goodlettsville, Hendersonville, Lavergne, Nashville, Nolensville, Old Hickory, Portland, White House.

(D)

Issued: March 1, 1999

Effective: April 1, 1999

Issued by: J. Carl Jackson, Jr.
Senior Director, Government Affairs
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